

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DEC 17 2013

JULIA S. DODD, CLERK  
BY:   
DEPUTY CLERK

KENNETH WAYNE JOHNSON,	)	CASE NO. 7:13CV00248
	)	
Petitioner,	)	
v.	)	FINAL ORDER
	)	
	)	
DIRECTOR, VIRGINIA DEPARTMENT	)	
OF CORRECTIONS,	)	By: James C. Turk
	)	Senior United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the motion to dismiss is **GRANTED**, the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 17<sup>th</sup> day of December, 2013.

  
\_\_\_\_\_  
Senior United States District Judge